1: Longrigg G-4, 5 (ca. 1915-1940) MH1 Iraq MH1

of Naṣir Pasha and later of his son Falih to turn the tribesmen into docile tenants on the Sa'dun estates (which Ottoman land-registration policy had demarcated and bestowed under the feet of the age-long cultivators), and the attempt of Manṣur Pasha and later of his son, Sa'dun, to maintain all their old independence. Thus personal ambition and hatred joined with a clear issue of policy, with Government playing a rôle of vacillating opportunism. Year after year tribal war went on, with Turkish forces sometimes participating; civil government was almost wholly inoperative; yet settlement and tribe-breaking were all the time half-visibly proceeding. The day of a quiet tithe-paying Muntafiq peasantry was still distant; the fear of a united Muntafiq army was long past.

The middle-Euphrates tribes present for this period a confused picture of intricate local history. Typical of them are the Bani Ḥuchaym (Ḥukaym), the Shibil, Fatla, Khaza'il, Bani Ḥasan, and the tribes of 'Afak and Daghara, most of whom had been lately converted to Shi'ism and fell thereby under Mujtahid influence. Their records for the later nineteenth century show the increasing settlement of their shepherd sections, and the gradual introduction of rapacious yet feeble Turkish tax-gatherers. They show the endless bickering between tribes, accompanied by the bluster, looting, and unaimed rifle-fire which passes for tribal warfare; and the bitterer strife for the vacant headship of tribes, in which Mudir or Qa'immaqam would interfere when he could. In spite of the rare emergence of a unifying leader, the tendency was towards levelling, division, disunity. This was aided by the spread of the new land-registry system and by the purchase of whole estates by the Saniya Administration which could develop its lands without tribal agency. The shifting of the Euphrates waters from the eastern to the western channel (p. 32) had profound effects in displacing the tribes, led to clashes, secessions, and invasions, and added to the immediate authority of Government as the only possible controller of Euphrates waters.

On the lower Tigris the close of the century was stormy with civil war. With lesser marsh tribes and the new non-tribal townships, the dominant groups were those of the camel-owning, grain-growing Bani Lam and the rice-growing Albu Muḥammad. The prosperity of both tribes depended on the Government allotment of the *muqaṭa'as*,[1] whose periodical distribution led to bitter quarrelling. To the normal causes of tribal war was thus added a perpetual irritant, and to its normal practices that of preying on the Tigris river traffic. Armed attacks on this were a common

[1] The *muqaṭa'a* was (and is) a defined area (in some cases of great extent and productive value) of irrigable land, leased for a cash annual rent to a tribal shaykh; possession of a better *muqaṭa'a* was an object of the keenest rivalry.

2: Dowson G-5 (1929-30) 1932 MHI Iraq MHI.

An Inquiry

INTO

LAND TENURE AND RELATED QUESTIONS

PART I.—SCOPE AND PROCEDURE OF INQUIRY

185 1. The considerations which led Government to ask me to visit el 'Iraq in the winter-spring season 1929-30 were briefly summarised at the time. The necessity of setting up a sound system of settlement and registration of rights to land as an essential preliminary to agricultural development was urged. It was represented that until effective measures to achieve these ends had been devised and put into operation, agricultural development must either be delayed or based on unstable foundations. It was emphasised that while the country was full of agricultural possibilities and only required development on sound lines, it lacked the necessary basis of a sound system of land registration. And it was explained that the Departments of Revenue, of Land Registration and of State Domains were pursuing reform without proper co-ordination and on no connected plan.

The main objective was the promotion of agricultural development. The particular needs were adjudged to be (i) the execution of a settlement of rights to land throughout the country, (ii) the establishment of an efficient system of book-keeping of those rights, and (iii) the unification of divergent and disconnected Departmental efforts. I was asked to study the problem as a whole and to advise how it should be attacked. As outlined that problem appeared to be essentially one of organisation and procedure for attaining two accepted objectives: a just settlement, and an efficient register, of rights to land. I anticipated that the requisite information regarding existing conditions would be readily available: and I expected that the discussions of previous years would have produced clearly defined issues. But I had not allowed for the peculiar fluidity and diversity of methods of land tenure practised.

423 427 It proved to be common knowledge that the tenure of some four-fifths of the cultivated land in the country was not governed by law, was not amenable to the jurisdiction of the Courts, and was not regulated in any methodical way at all. It was also common knowledge that the land law was defective and uncertain in its application to the other fifth. And it soon appeared that there was an almost complete lack of precise, authoritative and systematic information in the Headquarter Offices of Government in regard to land conditions generally and to the methods of holding, transferring and transmitting land actually practised from day to day by the great mass of landholders and agricultural peasantry throughout all parts of the country.

121 It therefore became necessary to extend the scope of my inquiry to include an investigation of the conditions of land tenure actually operating throughout the country, as distinct (for the most part) from those

assignable tenure, in accordance with the provisions of Book I of the Land Code and connected legislation. This tenure can only exist in virtue of an express grant from the State. To be valid such a grant must be registered in the Land Registry and be vouched for by a certificate of such registration (tapu sanad). A prescriptive right to a grant of State land in tapu tenure (known as haq el qarar) is recognised by the Ottoman Code, although the exact meaning of certain important conditions of such recognition is still debated. [423]

Under the regular operation of the Land Code all State land held and used by the public should be acquired and possessed in tapu tenure. The rights and obligations of this tenure are for the most part admirable. But, as already emphasised, its operation depends upon (i) a systematic initial granting of State land under this form of tenure to those judged best entitled to it, and (ii) the construction and subsequent maintenance to date of an exact and reliable Land Register of the rights conferred or derived thereunder. No systematic initial grant of tapu tenure was made or indeed can have been practicable when the Code was introduced. Consequently tapu tenure remained an occasional and imperfectly realised privilege of the few, instead of the regular tenure of State land it was intended to be. In many cases grants in tapu tenure were no doubt made to those best entitled to enjoy its rights and best able to discharge its obligations. But as a rule grants were made without any satisfactory investigation of conflicting claims. And in nearly all cases the definition of the land, which was purported to be affected, was incredibly ambiguous and vague.

Under these circumstances it would have been impossible to construct and maintain an intelligible and reliable Register of tapu tenure, even if the methods of doing so had been better understood. Actually a study of the working of the Ottoman Land Registries both in el 'Iraq and elsewhere demonstrates that this knowledge was lacking. Indeed the wider experience of the world shows that the construction and maintenance of a reliable Land Register has presented serious difficulties even to the best organised and equipped administrations.

The Ottoman Government had recognised before the war their failure to apply tapu tenure throughout their territories, as well as the basic causes of that failure. And they had enacted legislation empowering a systematic re-investigation and settlement of rights to land to be made vilayet by vilayet. It was intended that this settlement of rights should be based on a cadastral survey and be accompanied by a comprehensive valuation of the land and the establishment of an entirely new Land Register.*

4. The granting of tapu tenure in so many cases throughout el 'Iraq, without proper investigation and settlement either (i) of the rights of those already attached to the soil or (ii) of the boundaries of the parcels which were purported to be affected, sowed a crop of conflicting claims throughout the country, which bore the seed of perpetual discontent and hardship, and in some districts periodically produced violent outbursts of lawlessness. The registered tapu holder (mutasarif), who possibly had family or economic ties with the land, who probably had conformed with the formalities prescribed by a Land Registry Official, and who no doubt acquired his uncertain rights for valuable or other consideration, claimed the position of landowner (mallak).† As such he demanded the landowner's share (mallakiya) in the produce, and asserted his right to mortgage the land and to bring in new cultivators if he wished. [579] [427]

* Ottoman Provisional Law of Survey and Registration of Immovable Property, 1 Rebi Awal, 1331.

† *Mallak* should properly be restricted to *waqf* property. A tapu holder is not an owner, but a *mutasarif* or the holder of registered usufructuary possession (*tasarruf*).

617 records of miri land, such management and control as is possible of these
423 heterogeneous and extensive territories must be carried out primarily in the district by persons in direct touch with the people and the parcels affected. Many questions are no doubt settled by the customary social leaders as elsewhere (e.g. tribal sheikhs) and never reach the administration. Those that do may in some cases be dealt with by one of the few local officers of the State Domains or even by another Department (e.g. on the Yuseffya by the Irrigation). But ordinarily the effective agents of Government in the control of miri lands are the officers of the provincial administration on the spot, who must act for the most part according to their individual judgment or on the instructions of their provincial superiors in each case. This local control is naturally subject to the direction, and occasionally to the intervention, of the State Domains service or the Ministry to which it is responsible. It is also necessarily subject to intervention by the Ministry of the Interior or of any other Ministry, whose public responsibilities may be affected by some action taken. It is further subject to intervention by any Deputy or influential private person who may be concerned or interested.

423 In a limited number of cases, disputes affecting the holding of miri
682 land are decided under the Tribal Civil and Criminal Disputes Regulations, because of their reaction on tribal peace and public security. But since such disputes in theory merely concern the domestic management by Government of its own estates, they do not as a rule fall within the jurisdiction of any regular Court of Justice. Reference has already been made to the general failure to introduce the Land Code and more particularly tapu tenure effectively. Consequently by the side of a truncated and semi-atrophied Statute Law there have survived throughout the greater majority of the land, methods of acquiring and holding land which have never been regulated by law at all.

423 2. An attempt has already been made to illustrate in broad outline
427 the conditions under which land has been for the most part occupied and cultivated in the rainfall zone. There are commonly two classes of people concerned. Firstly (*a*) the larger man, who may be the local Agha or a small capitalist who has helped to develop the land by providing funds, seed, etc. Secondly (*b*) the actual cultivator who, in the mountainous districts, has tamed the wilderness by building terraces, constructing water channels, clearing the ground, etc., and who, in the plains, has similarly, if less laboriously, reclaimed the land by regular tillage and fallow. It is evident that in actual fact a partnership commonly existed or exists between these two classes.

Now it is generally accepted that the intention of the Ottoman legislator, when promulgating the Land Code, was to establish the actual cultivator on the land; and when that cultivator has remained on the same land and effected improvements of a capital nature by his labour, his claim is clear. But the claim of the larger man instanced, who will almost invariably have co-operated in some indispensable way (e.g. by according protection, providing capital or essential assistance), who has very likely been acknowledged as landlord (mallak) and perhaps regularly received mallakiya, cannot be equitably or advisedly disregarded. Investigation on the spot would be needed to weigh the respective claims in each case; but it can be seen that, broadly speaking, local conditions have often produced an association in the development and cultivation of the land between local overlord and cultivating holder in these regions, in which both have rights that should be recognised in their mutual interest as well as that of the country at large.

423 In the Irrigation Zone and throughout the desert borders the Turks
619 found the land for the most part in the hands of tribal confederations.

166 reed mat hut, and the mat hut to the mud, or even the burnt-brick
178 building. This movement has naturally been accompanied by a weakening of tribal cohesion and tribal authority, as the machinery of the provincial administration of Government has penetrated into the less accessible regions and as increasing numbers of the population have been brought individually in touch with local provincial officers over their daily affairs.

166 The development of direct dealings by the local provincial officer
423 (mudir) with small landholders and cultivators in his sub-district
651 (nahiya) over land and land revenue questions has naturally tended,
619 wherever it has been in operation, to transfer the effective control of miri land increasingly from tribal influence to such officers. In many liwas I was afforded evidence of the numbers of smaller men paying their land revenue directly to provincial officials and occupying the position of smallholders, either as heads (sirakil) of minor tribal or other farming groups, or even on a more individual footing. And everywhere I was advised tribal disintegration was accelerating, everywhere the tribesman was becoming an individualist and wanting his individual holding. The movement is not, of course, new. Under Turkish administration it no doubt proceeded wherever the authority of Government was effective: but its range was necessarily more circumscribed and the impelling forces much less. Nor can it be counted upon to continue. If the provincial administration deteriorated again some reversion to, and strengthening of, tribal influences would be natural.

423 4. In the numerous discussions that have taken place during recent
619 years regarding the legal recognition of customary prescriptive claims to miri land, more particularly in connection with the installations of pumps, the term *lazma* came to be generally applied to these claims. So far as I have been able to ascertain, the term lazma was applied in Turkish times, among other words, to the customary prescriptive claim of the tribe to land already mentioned. It was represented to me that this might be more correctly and explicitly defined as a right of occupation and cultivation (haq el sakna wa zira'). Within the area concerned the tribal or sub-tribal sheikh would allot the land to adult males of the tribe according to tribal custom, and to be held subject thereto. There was no personal lazma right. Allotments to individual tribesmen could be, and frequently were, resumed by the sheikh.

423 Since the war the conception of a tribal or sub-tribal lazma seems to have weakened and that of a corresponding prescriptive claim of an individual or smaller group to have been to some extent substituted. The appropriateness of the term in the latter sense is disputed; but regarded as a label for any prescriptive claim to occupy and hold miri land, it seems to have held the field and to have been commonly understood and accepted.

423 According to prevailing theory all holders of miri land are tenants
427 at will of the State. The land is supposed to be leased by an annual terminal agreement (shartnama). In practice, although such agreements may, and do, exist, they are far from being an indispensable, or even an ordinary feature of the occupation and use of miri land, even in districts most completely under central Government control. And it is not pretended that any annual review is made, with renewal or cancellation even of such agreements as do exist, still less that any systematic record and control of the innumerable theoretical leaseholders of miri land throughout the country is maintained. Indeed the mere administration of any such annual leasing of the numerous, enormous and widely distributed parcels of miri land is beyond the ability of any central

2: Dowson G-5 (1929-30) 1932 MHl Iraq MHl

Government Department, certainly beyond the power of the organisation and resources so far devoted to the purpose. 423 427

This is not to say that no systematic efforts have been made to put the tenure of miri land on to a more secure and orderly basis. Many such efforts have been made throughout the country by Provincial Officers, the Irrigation Department, the Survey and others. Foremost among them must be mentioned the periodic revenue settlements in Amara, which not only defined the limits of the various tribal interests there, but have also tended to stabilise many lesser holdings. A valuable fiscal survey of a large part of the Basra Date Gardens has been done. A business-like survey, allotment and record of land accompanied the construction of the Yusefiya, and other canals: and pains have been taken to keep these records up to date. In the Dulaim liwa a careful list of all the holders of recognised parcels of land has been compiled and subsequent changes noted. Other instances could be given. Naturally, all the resulting compilations have serious imperfections regarded as permanent records of the rights admitted to miri land: but this was not usually their primary purpose and such imperfections were inevitable in the conditions under which the investigations had to be made. And whatever the imperfections of such undertakings may be, they deserve grateful recognition and they should materially facilitate further stabilisation of tenure. 427 185

But it must none the less be admitted that these were all detached uncorrelated efforts owing no inspiration to any concerted attempt of the Central Government to improve the position of the mass of holders of miri land. Broadly speaking, those who occupy and cultivate miri land are allowed to do so in the absence of more influential opposition. Possession is ordinarily nine points of the law: but neither long possession nor any other mode of acquisition confers security. Personal influence with the most effective arbiter is commonly the decisive factor at any moment in any particular land dispute: and anyone may find the most convincing claims set aside. Moreover, any dispute may be reopened at any time if circumstances promise a more favourable consideration of a disappointed party's case.

Having regard to the history of the land, the widespread acceptance of tribal rather than individual rights, and the extensive and ill-defined areas affected, this state of affairs is not really remarkable: but it none the less calls for recognition and progressive remedy.

5-7. Pump Development of the Riverain Tracts

5. As is well known there has been a rapid and extensive development of irrigation by privately owned pumps during the last ten years throughout the high level tracts bordering the main waterways (see Plates I and II). As is also well known, the confident expectations of an early and profitable return on the considerable sums sunk in this development have been largely disappointed. 312

Persevering efforts have been made to obtain consistent and comprehensive statistics of the numbers of pumps erected, of the horse power of those pumps and of the areas irrigable by them: but owing to the records having been differently dealt with at different times and in the various liwas and departments concerned, it has not been found possible to do so. Although this is disappointing, in view of the interest and importance of this development, it is not surprising. And I have none the less been enabled to illustrate the rapidity and extent of the

312 seriously, many a decisively, injurious effect on the success of pump development as a whole. These difficulties all call for careful study and for steady and carefully considered ameliorative measures. They are, however, for the most part outside of the scope of this report. But underlying and aggravating all other difficulties there is a widely prevailing uncertainty of rights to hold and to exploit the land affected. This has in many cases poisoned the relations between the two classes mainly interested in the majority of these enterprises and reduced to a minimum the prospects of their successful co-operation. And it has nearly always left the rights and the obligations of those concerned injuriously indefinite towards both the Government and to those associated with them. Consequently the bulk of these pump-fed areas have never received the single-minded and unified agricultural management that was, and is, an essential condition of success. It is possible, perhaps likely, that the other adverse conditions recited would in any case have prevented the general and widespread success anticipated. But a number of instances have been given me of pump ventures that have proved profitable in spite of these handicaps, because unified management was, for one reason or another, possible and realised.

427 Be this as it may, it is indisputable that the prospects of general success would have been increased if in all cases the rights to the land
311 affected had been authoritatively settled and the requisite unification of agricultural control had been secured, before capital and energy had been so lavishly expended on these ventures. It was most unfortunate that this remarkable agricultural development should have coincided with the singularly unstable economic period that has followed the war. But it can also be recognised now, in the light of experience, that the rush to develop these riverain tracts was carried out without sufficient preparation and foresight, and at a rate and to an extent which made too drastic demands upon the adaptability and the numbers of the primitive agricultural population upon whose efforts success ultimately depended.

311 The riverain tracts, which are primarily affected, are among the
312 most valuable agricultural areas in the country, because (*a*) of their contiguity to the main waterways and roadways, (*b*) of the natural fertility of the alluvium deposited along the river ridges which contain them, and (*c*) of their relatively high levels, which facilitate drainage and minimise the dangers of high floods. But owing to the last quality any regular cultivation of these tracts necessitates the installation of some artificial means of lifting the water from the adjacent waterway on to the land.

312 Prior to the recent pump development such artificial means of water lifting were virtually confined to the local water wheel (kerid) or to other simple devices, operated by animal or man power. Where kerid cultivation exists to-day it seems not infrequently to be more efficient than pump cultivation, since the more laboriously acquired water tends to be more carefully used and the land to be more carefully tilled to receive it. So it may be accepted that where cultivation by kerid or other simple lifting devices existed previously, such cultivation was usually good of its kind.

311 It therefore appears that until recent years cultivation in these valuable tracts was restricted to certain fringes watered by the simple types of lift mentioned, supplemented by rain in good years, and by flood water, through flood channels, when and where conditions per-
[464] mitted. And since land was comparatively plentiful and cultivators comparatively scarce, the parcels of land actually cultivated varied incessantly to meet soil impoverishment, flood devastations, river

changes, canal silting, tribal movements, Central Government action, or other circumstances. 311

7. With relatively little exception the riverain tracts affected are miri land. It has been noted how the cultivation previously shifted therein in response to changing circumstances. The prescriptive claims to pasture were naturally even more variable and indeterminate. It is consequently not surprising that as the pump development movement extended, these riverain tracts were found so closely interpenetrated by prescriptive claims (lazma) of one sort or another, that few areas suitable for pump development were unaffected. These claims constituted a serious obstacle to the general development of the riverain tracts by pump installations. For at first the claimants as a whole had neither the desire, nor the enterprise, nor the ability to raise the capital needed to undertake this development themselves. 311 423 427 312

In discussing these prescriptive claims earlier their primarily tribal origin was mentioned: and it appears that the prescriptive rights recognised by the provincial authorities in pump agreements are preponderantly of such origin and character. These pump agreements may be made in the name of a sheikh or sirkal, but he stands as the tribal or sub-tribal, representative. No doubt when the sheikh or sirkal is a forcible person, he may engulf in his own person the rights of his tribal associates. Alternatively when the sheikh or sirkal is a man of straw, unable to lead his section or keep it together, he may be displaced, and even lose his strictly tribal share in the common holding. In a number of cases, after the movement started and its potentialities had become more apparent, a sheikh or other leading member of a tribal section which claimed prescriptive rights over a promising area, himself erected a pump and cultivated the area with the labour of the other members of the section. Under these circumstances the difficulties of divided interests and divided control, so frequently attending these pump ventures, may not arise. And so far as my information goes it is pump ventures inaugurated and worked by a capable tribal leader under these conditions that promise to be the most successful. 427 312 622

But enterprising townsmen and others with tribal affiliations, who wished to participate in the movement usually had to search for a suitable stretch of miri land and enter into an agreement with some group of claimants to prescriptive rights over it. No very definite procedure was required. The process may be loosely generalised somewhat as follows. An enterprising individual, having some miri land of uncertain limits and subject to uncertain prescriptive claims in mind, decided to buy a pump and engine, the capacity of which usually depended as much on his financial resources as the situation and extent of the land to be watered. He applied to the Governor of the Province for permission to erect the installation. This always necessitated a permit from the Irrigation Department (under the Irrigation and Embankments Law), and when the land was miri (as it usually was) the approval of the State Domains Department and the issue of a lease by them. 427 312 311

The Irrigation Department checked the suitability of the installation to the extent of land, according to the information given; and if they had the means tried to locate the land and check the area on a map. Otherwise the figures had to be accepted as notified. And even when the capacity of the installation and the area of the land (as quoted) were discrepant, it was often found that the pump had already been bought. The Department also tried to ensure that the site of the pumping plant was wisely chosen in regard to flood and low stage river conditions, as well as the distribution of the water for cultivation.

The State Domains Department acted through the provincial authorities, who necessarily had no better information as to the situation

2: Dowson G-5 (1929-30) 1932 MHl Iraq MHl

427 311 312

and extent of the land affected than could be furnished to, or provided by, the Irrigation Department.

But probably the two most unsatisfactory features of the proceedings were (i) the failure to settle the rights of prescriptive claimants definitely before allowing agreements to be made with them as *de facto* landholders, and (ii) the loose and unsatisfactory agreements, commonly entered into, between these claimants and the pump owners.

It is apparent now that it would have saved time, money and a great deal of trouble in the long run to have investigated and settled all prescriptive claims at the outset. It was reasonable and equitable that prescriptive claims based on effective exploitation of the soil should be recognised. But such recognition should have been coupled with an equally definite limitation of the claimants' rights to these specifically recognised areas. It was clearly unreasonable and contrary to the public interest that, in addition to such properly recognisable rights, a vague mass of indefinite and shifting claims should be allowed to persist and to interfere with the economic development of these tracts as a whole. It was desirable when the opportunity occurred to define alike the rights of prescriptive holders and the balance of unincumbered miri land free for exploitation by other parties under lease or grant from the State. And since the object of pump development was a much greater extension of cultivation it was evident that the necessarily restricted limits of previously existing cultivation would tend to be obliterated thereby. Consequently, if prescriptive claims were to be recognised on the only clear and equitable basis possible—that of effective exploitation of the land—it was important to investigate and record the existing limits of such exploitation before these limits were effaced.

If this had been more evident at the time, such claimants could no doubt have been justly accorded considerably smaller areas than are now claimed, while the Government would have secured a balance of free miri land irrigable by pump which might have been leased directly to those desirous of erecting pumps. No doubt in these circumstances the areas available for lease to pump owners would often have been awkwardly interspersed with the recognised prescriptive holdings; but this was unavoidable unless such claims had been repudiated. And if both parties had known exactly where they were at the outset, agreements between them could have been entered into on a much more satisfactory basis than was as a rule actually possible.

As it is the peculiar difficulties that have arisen in the tenure of these riverain holdings have been primarily occasioned by the uncertainty of the respective rights of pump owner and prescriptive holder, when these are different parties. When they are united in one person, or in a tribal or other group that displays effective cohesion, current difficulties for the most part resolve into those commonly attaching to the holding of miri land elsewhere. It is true that certain obligations are due to the situation of these holdings in proximity to the main waterways (e.g. the maintenance of flood protection) but these can be separately considered and were neither new nor unexpected.

So the problem of the riverain holdings in which pump development has taken place may be regarded essentially as a particular case of the general problem of the tenure of miri land. But this merely makes at least a provisional solution of this larger question the more imperative. And any such solution, when applied to the pump areas, must also provide for the definition and reconciliation of the respective rights of pump owners and prescriptive holders, when separate parties in a joint undertaking.

2: Dowson G-5 (1929-30) 1932 MHI Iraq MHI

PART V.—MEASURES RECOMMENDED.

PRELIMINARY CONSIDERATIONS,

LAND REGISTER AND LAND SURVEY

1–5. Preliminary Considerations

1. The growth and maintenance of agricultural prosperity will primarily depend upon the intensification and multiplication of well-directed individual effort and enterprise on the part of the numerous body of persons, large and small, who effectively possess and manage for the time being, the holdings scattered throughout the 90,000 square kilometres of agriculturally productive land in the country. These landholders are the indispensable builders of national prosperity. The legislative and administrative policy of Government should be directed to strengthening, guiding and encouraging them as a body in their struggle on their innumerable estates and holdings to erect the fabric of a stable and progressive agricultural economy. And such an economy can only be established on the foundation of a stable land tenure.

No man engaged in the management and cultivation of a landholding, large or small, can be expected to sink his capital in the land and devote his energies unreservedly to its development, if he is uncertain whether he and his heirs will benefit by his husbandry. And the evils of such insecurity are aggravated if taxation of the land is uncertain, may be heavy and is variably assessed. When the development and cultivation of a holding is beyond the unaided powers of the landholder and his family (or is a group interest of any sort) it is no less essential to have unity of control coupled with willing and effective collaboration. In other words, conflicting rights and interests in the land must be reconciled wherever they occur, and adequate remuneration and satisfactory working conditions for agricultural capital, management and labour all be forthcoming.

The injurious effect of the existing welter of uncertainty and dispute upon both the agricultural prosperity of the country and public order, can hardly be exaggerated. Everyone directly or indirectly concerned with agriculture in el 'Iraq must know many individual cases in which the development and use of the land has been gravely obstructed by the widespread insecurity and confusion of rights. Indeed the most diligent enquiry would be unlikely to reveal anywhere any appreciable number of holdings, large or small, held in undisputed possession and free from hampering and conflicting claims. It needs no great effort of the imagination to appreciate the blighting effect of these unhappy conditions prevailing throughout the country, upon the prosperity of the main national industry and the welfare and contentment of the people as a whole. And since the cultivation of the soil and the grazing of flocks comprises the livelihood and well-being of the vast majority of the population, the greater part of the time of officers of the provincial administration is taken up with attempts to regulate spasmodically and

423 ephemerally the unceasing stream of disputes concerning or arising out
427 of the possession and use of land.

The confusion of land tenure throughout the country generally is not confined to one category of land. While it may be more general in the case of miri land, it is also common in the case of tapu land. The long-standing and bitter disputes in the Muntafiq area regarding land claimed to be held by tapu sanad are the most notorious, but far from the only, illustration of this. Similar uncertainties are common throughout the country, in regard to land claimed in tapu tenure, to land and trees claimed to be mulk possessions, and to land dedicated, or claimed to have been dedicated, under the various forms of waqf.

185 The execution of an effective reform of land tenure throughout el 'Iraq is a formidable undertaking and one which under the most favourable conditions is bound to take a great many years to complete. It is easy enough to draft bills designed to bring about academic reforms and to get these passed into law: but it is a very difficult matter to ensure that such enactments are beneficial and workable in sober practice and even more difficult to ensure their steady, intelligent and impartial application over the long term of years that must intervene between the introduction and the accomplishment throughout the whole country of the thorough-going reforms that are needed. But serious as the difficulties to be encountered are, they will yield, as they have done elsewhere, to intelligent, sincere and persevering attack.

185 2. The late State Domains Department warmly espoused and stead-
423 fastly advocated the implementation of the original attempt of the Ottoman administration to grant out all cultivated miri land on tapu tenure. This policy was loosely and, I venture to think, misleadingly termed the alienation of miri land. For alienation denotes an estrangement of legal ownership whereas such ownership (el raqaba) is specifically reserved to the State under tapu tenure. The correction has more than legal significance; because the expression "alienation of State land" connoted, both to the Department itself and to the public, the adoption of a new, a beneficial, and a feasible policy of distributing land hitherto held by the State to private, and for the most part to peasant, proprietors. Tapu tenure, as already noted, was expressly intended in the country of its origin to promote a body of industrious peasant proprietors and taxpayers.

423 In sober fact the overwhelming majority of the cultivated holdings,
427 classified as miri in el 'Iraq, has for generations been in the hands of the people. Its possession is sufficiently subject to local or central interference to cause great individual insecurity of tenure, and all the evils resulting therefrom, as we have noticed. But while the legal ownership of the State is indisputable, its exercise of such ownership is, for the most part ineffective, uncertain and spasmodic. This is inevitable under existing conditions and is bound to remain so until they have been remedied.

The reform attempted by the Turks, and advocated again by the State Domains Department, was not, therefore, in any real sense, a substitution of private for public ownership of land. It was essentially no more than the legal regularisation in a prescribed form of the already widely existing private or communal holding of miri land. Some such reconciliation of actual with lawful tenure of miri land is indispensable if general security of tenure is to be established at all: and the greatest sympathy must be felt with the desire to effect this reconciliation through the medium of an established statutory tenure.

But the failure of the Ottoman Government to apply tapu tenure, either generally or effectively, alone constitutes a weighty warning against the adoption of this course. For there is no doubt about the earnestness or the persistence of the Turkish efforts, and nothing to show that el 'Iraq is better situated or equipped to succeed to-day. It has already been noted that even where tapu tenure is nominally in force at present in the country, neither its rights nor its obligations are secured; while the limits to which it purports to apply are rarely known. To a lesser extent the same is true of mulk.

Again, admirable as the underlying principles of tapu tenure for the most part are, the greater part of el 'Iraq is not yet ripe for the complete freedom of individual dealing with and mortgaging land that it confers. So long as tribal and other communal divisions remain strong, unrestricted individual freedom to dispose of land would be dangerous to public peace and contentment. And, until the great mass of smaller holders have gained much greater economic stability and experience than at present they possess, any general freedom to mortgage holdings would merely be an incitement to the piling up of unproductive debt. Moreover, a thorough and carefully considered review of the future needs of the country in the way of public works, of areas to be utilised as extensive pasture, or developed as forests, fisheries, etc., of territories to be otherwise specially ear-marked for communal or other reasons, should precede any appreciable extension of tapu tenure.

8. If the general introduction of tapu tenure of cultivated miri land must, on sober consideration, be dismissed as neither practicable nor desirable under present conditions, what is the alternative? In the first place, no single stereotyped tenure is applicable throughout the whole country or probably ever will be.

Thus, since a considerable part of the country is recognised as lawfully, if loosely and indefinitely, held in tapu tenure already, that tenure can no more be abrogated forthwith than it can be generally extended. Any comprehensive reform of land tenure in the country must include a rigid scrutiny of all existing claims to tapu tenure, the precise definition of the areas affected, and a thorough revision and clarification of the provisions of that tenure to make it workable and consequently recordable. But fresh grants in tapu tenure should be prohibited or very severely restricted, until this had been done.

Again, specific undertakings have been given by successive Governments in respect of the conversion of miri groves and gardens into either tapu or mulk tenure. Owing to the inexactness of the terminology commonly employed, the undertakings have been interpreted in both senses. These undertakings must clearly be honoured in one way or the other. But if the Government's promises permit, it would at least be advisable to restrict mulk proprietorship to the physical limits of well-established groves and gardens. In any case, here again, a systematic investigation of claims, definition of areas and formulation of clearer and more practicable conditions are needed. The areas affected are scattered all over the country.

Yet again, it has been foreshadowed that parcels of miri land—at least within the municipal limits of the more important towns—occupied by buildings which are classed as of a permanent character, shall be regularly recognised as mulk. And there are many other demands of urban tenure requiring attention, which cannot be entered into here.

There also exist numerous stretches of miri land already utilised

423 427 for public purposes (e.g. as public waterways, railways, roads) which should be formally reserved forthwith as public utility areas.

It thus appears, on a most cursory examination, that there is a large, a pressing, and a complicated programme of practical reform waiting to be done in the existing legal categories of mulk, tapu and matruka (or manafa' umumiya) land alone. The complementary task of establishing the overwhelming balance of miri land on a securer and economically sounder basis is even more formidable. This balance, it will be remembered, includes the riverain tracts, the settlement of whose complex problems is probably the most imperative agrarian question of all.

185 The conclusion is inevitable that if any effective reform of existing land tenure is to be established at all throughout the country as a whole within the life-time of the present generation, it must be initiated and maintained on the simplest lines that will satisfy the bare essentials of equitable settlement of existing claims, of substantial security of subsequent tenure, and of even and economical taxation. Simplification of the land law and of the practical working of all tenures; simplification of the procedure of cadastral survey, of settlement and record of rights; simplification of fiscal assessment and collection, must be given the utmost possible consideration throughout.

4. It will be easier to see what simplifications of tapu tenure are desirable and justly possible when the existing provisions of that tenure have been analysed as applied or applicable in el 'Iraq to-day (see vii, 1). But from the point of view of the national interest the necessity of securing a fair and proper valuation of tapu acquisition payments (e.g. tapu mithl or bedl mithl) on all initial grants in this tenure is probably the most important. The enormous territories of miri land now existing constitute the principal capital of the nation and any transfer of rights over such land to individuals should be accompanied by equivalent advantages to the public purse. Timely provision against excessive shareholding, and for the nomination of authorised representatives when there are more than two or three shareholders, should also not be overlooked.

But since the vast majority of the cultivated land in el 'Iraq is miri, the necessity for the general simplification just emphasised applies with greatest force to this category of land. In general the simplest, the quickest and probably the only feasible method of placing the tenure of miri land on to a more satisfactory basis, is to accept to the utmost possible extent the present simple concepts and practices and to concentrate upon making their application more systematic, more equitable and more sure. It is evident that for many years to come at least, the tenure of the great mass of miri land throughout the country must be regulated locally, if it is to be governed by law at all. It is always possible for the central Government to intervene in particular cases here and there: but in the overwhelming majority of cases the questions that arise from day to day must continue to be decided on the spot by the people among themselves, or by the authority of a local public officer (e.g. mudir el nahiya) who is familiar with both the people and the land concerned. Consequently any tenure that is to be operative in practice must be understood by, and commend itself to, the judgment of the mass of actual landholders, social leaders and provincial authorities. Simple principles and simple procedure thus understood and accepted can be made to provide the foundation for an attainable reform which, modest though it may be, is preferable to the pursuit of more theoretically perfect tenures, which will inevitably sleep in the statute books because neither people, nor effective authority, nor conditions are ripe for their application. But desirable as it is to put the land tenure as rapidly as

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and confusion of rights. Indeed the most diligent inquiry would be unlikely to reveal anywhere any appreciable number of holdings, small or large, held in undisputed possession and free from hampering and conflicting claims. It needs no great effort of the imagination to appreciate the blighting effect of these unhappy conditions prevailing throughout the country, upon the prosperity of the main national industry and the welfare and contentment of the people as a whole.

Put very briefly, with the exception of small areas, mainly in Northern Iraq, together with some smaller areas of a few yet hopefully significant State-sponsored schemes of land settlement, the bulk of the cultivated land of Iraq is in the possession of large landowners. Some of them may not enjoy the holding of this land by confirmed legal right but, to all intents and purposes, they own it and derive immense incomes from it. Others, by legal process, the validity of which is disputed by land reformers, have gained possession of lands which were formerly held in common tribal use.

These landowners, or landholders, are usually sheikhs or absentee urban landlords who let the land to share-tenants through a hierarchy of lessees or agents, at the bottom of which is the landless cultivator who gets an incredibly small share of the produce of his labour. Indeed, the actual cultivator under this invidious system of share-cropping may get anything from ten per cent to thirty per cent of the produce of the land which he works, most of the remainder going to the large landowners, agents or owners of irrigation pumps. The situation may vary from landlord to landlord, and very occasionally the actual cultivator is said to share fifty per cent of the produce. In general, however, the position of the Iraqi countryside is one of great extremes of wealth and poverty. The landowner may live in a sumptuous style with a town house and country palace, while the peasant cultivator may live under conditions of poverty or near-destitution.

It is not possible in this study to attempt more than an outline of the causes and effects of this situation. It arose partly out of ancient confusion of titles which meant that, with the break-up of the tribal system, the most powerful member of the tribe was able to appropriate for his own purposes land which was originally intended for the common good of the tribe. It is due partly to the faulty application of the Ottoman Land Code under which, because the small cultivator was not strong enough to establish his rights of title, these rights fell to the sheikh. The profits derived from the Persian Gulf grain trade in the late 19th and early 20th centuries gave a further impetus to what has been described as 'this wholesale land grabbing'. Finally, with the development

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If developments of this kind proceed it is likely that the agricultural productivity of Iraq will increase considerably. Although most of the profits will find their way into the pockets of a few, more taxable wealth is likely to be produced which could wisely be devoted to the development of educational and other social services. Indeed, if means could be devised of applying income tax to such profits, considerable additional revenues for public services would accrue.

The Dujaila Project of Land Settlement. But perhaps the most hopeful and significant economic and social development which is taking place in Iraq is the Dujaila Project of Land Settlement.

Some years ago, as one of the first attempts at land reform, the Government distributed parcels of land to small, independent farmers. The Government provided the irrigation facilities and, on the land which could consequently be brought under cultivation, allowed families to settle. The scheme was not nearly so successful as it should have been, partly because some of the tenants lacked sufficient farming experience but mainly because it was not accompanied by a scheme for providing agricultural advice. Further, because of the failure to institute adequate drainage arrangements, there is a danger that much of the land in the settlement area will lose its fertility through otherwise avoidable salinity.

In the Dujaila area, in the province of Kut, the Government are now in process of organizing a much more satisfactory and intelligently conceived scheme of land settlement. In 1945 a large tract of hitherto uncultivated land, roughly seventy kilometres long and about half that distance wide, was selected as an area for land settlement. The scheme is being organized by a department known as the Dujaila Directorate to which a reasonable delegation of powers has been given. Its main features may be summarized as follows:

(1) Each settler, who must have had previous agricultural experience in or near the locality, is provided with a holding of about sixty acres. The settler has to sign a well-devised form of contract which binds him for a period of ten years to farm his holding in accordance with advice given by the agriculturalists and horticulturalists attached to the Directorate. At the end of ten years the holding is apparently vested in the holder in a form of limited freehold.

(2) Each settler is eligible to apply for an initial grant not exceeding £100 for the purchase of equipment, assistance towards the building of his house and farm buildings.

(3) Each settler must plant sufficient trees around his holding,

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must establish a horticultural plot, and on his arable land must maintain a balance between summer and winter planting. He must also devote sufficient land for stock pasture.

(4) Each settler must, from his own resources, level, hedge and provide irrigation ditches for his own plot.

(5) A co-operative society is formed and run by the holders. So far some 1,026 holdings have been established in the Dujaila area, and the total population of adults and children is between 12,000 and 15,000. At present there are only two schools with a total roll of 300 children, but the parents appear to be pressing for more educational facilities and two new schools, of good design, are in process of construction. The Provincial Director of Education, who takes a keen interest in the scheme, has plans for a distribution of primary schools throughout the whole area to avoid long travel by young children, and also wishes to establish intermediate and secondary schools situated in a central village which is about to be built. He is anxious that the upper forms of the primary schools shall develop a rural bias and that the intermediate and secondary schools shall have 'agricultural streams'.

It is perhaps early to judge the success of this scheme, which has been in operation for only four years and is still in process of development. From carefully checked evidence, however, it appears that the holders, most of whom were previously landless cultivators living at a low subsistence level, are making an average income of between £300 and £400 per annum. The sponsors of the scheme also maintain that, whereas the average grain produced from one dunum of land on privately owned farms in the neighbourhood is 100 kilos, the average from the same area in the Dujaila district is 250 kilos. From admittedly superficial observation the tenants would certainly appear to be living a richer and more robust life than their neighbours who remain landless cultivators. Many of the tenants have provided themselves with houses which, by local standards, are comfortably designed and furnished. The men have an appearance of dignity and independence. Indeed, it is claimed that 'you can always recognize a Dujaila man in the streets of Kut because of his confidence and bearing'.

The scheme has, possibly, certain deficiencies in that the tenants, apart from improving their holdings by tree planting, hedging and irrigation channels, are required to pay no rent. True they make a certain contribution to the public purse through the sales tax, but it may be wondered how wise it is to encourage an attitude of 'something for nothing'. Public services are badly needed in Iraq and even new land settlers should realize that they must be paid for. It is understood, however, from discussion

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with some of those concerned that the question of rentals is to be considered. Capital also will soon be needed for drainage works and, here again, the tenants should be expected to make their contribution.

With this possible drawback which may soon be set right, the Dujaila Scheme of Land Settlement is important as a pointer towards one means of altering the prevailing land tenure system. As has been suggested earlier in this study, so long as this system remains unaltered it will never be possible to produce sufficient national wealth and to release that part of it which is necessary for the finance of projects such as the provision of compulsory education. Radically to reform the land tenure system at the present time would not be possible, because those who profit from it are a powerful influence in the country. Fortunately, however, there exist great tracts of uncultivated government land throughout the country which, when water is brought to them in a way similar to that in the Dujaila area, will be amenable to similar development.

Projects of this kind are being applied in five or six other regions, although most of the others are not at the advanced stage of the Dujaila project. The scheme of land settlement is significant in relation to the future development of education in that, if it continues as present indications suggest, it is both providing more taxable wealth for public services and is raising the standard of living of its participants who should thus be more ready to seek educational opportunities for their children. Equally important, it is producing men with a greater freedom and independence who are bound to be more articulate concerning social affairs and who will ultimately be able to play their part in democratic local government. One of the features of Iraqi political and social life which strikes a visitor to the country is that, apart from the official class who, incidentally are mainly men of urban background or urban education, there is little in the way of a middle class in the towns and nothing approaching a middle section of the community in the villages. It may well be that, by providing the participants with a better standard of life and consequently of self-esteem, land settlement schemes of this kind will have the effect of promoting a rural middle class who will not only bridge the existing wide gap between the very rich and the very poor but will demand their share in local affairs and thus help to promote a more vigorous local government.

Great credit must go to the Government for fostering such a bold social experiment, to the Director of the Dujaila Project for his obviously selfless devotion to the work, and to the Provincial Director of Education for attempting to plan a schools system in

sumption; and other fruits and nuts are cultivated, mainly in the North.

Livestock raising is an adjunct to agriculture rather than an integral part of it. Sheep and goats predominate because they thrive despite poor grazing and feeding. Sheep and goats, as well as camels, are kept primarily by pastoral nomads who probably number well over 200,000. Cattle and water buffaloes are the livestock of the settled agricultural population. Many peasants, however, have no livestock at all except for a draft animal or two. Livestock are left to forage for themselves, with only some supplementary feeding with straw and perhaps barley in the winter. Only livestock in and around the cities are systematically fed.

Crop yields are generally low. The water supply is frequently inadaquate. Agricultural methods have on the whole remained unchanged for centuries. Little or no animal manure or fertilizer is applied to the soil, animal dung being used largely for fuel. Crop rotation is wholly inadequate and makes little or no provision for soil-building crops. Salinity, attributable to poor drainage, has materially lowered the productivity of land in the irrigation zone. Owing to insufficient and poor draft animals and lack of proper equipment, the soil is often poorly prepared, and weeds detract from the yields. Up to half of the winter crop area is left fallow as a means of restoring fertility, but since the land is generally allowed to go up in weeds to afford grazing for animals, the efficacy of the fallow system is limited. The productivity of livestock is also low, primarily because of inadequate feeding, but also because of poor breeding, disease and insufficient shelter.

Except for some rather limited areas in various parts of Iraq and a promising settlement in the Dujaila district of south-central Iraq, the country is almost wholly devoid of peasant proprietors. The ownership of cultivated lands is largely in the hands of sheikhs and urban proprietors who entrust the actual cultivation in small parcels to sharecroppers. These sharecroppers have neither the equipment nor the knowledge to increase production and for the most part eke out a bare subsistence.[2] The land assigned to the

[2] According to the cadastral survey which is half completed, 67.1 percent of the privately-owned land is in units exceeding 1,000 donums. (One donum equals 0.25 hectares or 0.617761 acres.)

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fellah or peasant generally changes from year to year so that the cultivator has virtually no incentive to improve it. Moreover, the sharecropping system discourages the cultivation of animal fodder crops since the customary apportionment of shares between landlord and tenant does not lend itself readily to such crops. Most of the landowners themselves show little interest in improving agriculture. Enjoying a large share of the crop with the expenditure of little or no effort on their part, they have little incentive to raise output. In recent years, however, an increasing number of landlords have been displaying a direct interest in improving crops and diversifying production. Some of them have been instrumental in raising production by installing pumps for irrigation, introducing new and more remunerative crops such as cotton, and investing in agricultural machinery.

The depressed economic condition of the fellah or sharecropper undoubtedly retards progress. It undermines the health and vigor of the rural population, limits the market for industrial products and may in the long run jeopardize the stability of the social order. The sharecropper's plight is attributable both to his poor economic bargaining position and to the low productivity of agriculture. In the irrigation zone the fellah generally gets only half of the crop even though the state has provided the irrigation works; and his share falls substantially below this percentage whenever the land is irrigated by privately-owned pumps or the landlord supplies seed, draft animals or machinery. In a country where capital is scarce in relation to manpower, the ability to provide the means of production—land, seed, animals and machinery—almost invariably also carries with it the ability to exact a high proportion of the return. In Iraq this is reinforced by a law which forbids the sharecropper to leave the land as long as he is indebted to his landlord, which is generally the case. In the long run the sharecropping system could be made quite tolerable if the productivity of the land were raised; and the economic bargaining power of the sharecropper could be increased by giving him access to the means of production—seeds, animals and implements—on more favorable terms through such institutions as cooperatives. In the shorter run, however, the sharecropper's position is likely to improve only as the landowner takes steps to improve his lot in order to keep him

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on the land. There is apt to be increasing pressure on the landowner to take such steps as a result of the growing opportunities for alternative employment created by a large increase in public expenditures on development, the expansion of industry and the opening of state lands to settlement. In fact, unless the sharecropper's status is improved, there is a great danger that there will be a continued flight of labor from the land, impairing the country's agricultural production.

The government itself has made only a modest contribution to the advancement of agriculture. The Directorate-General of Agriculture is only a subordinate department in the Ministry of Economics and has been severely handicapped by lack of funds and a shortage of competent agricultural officers. While it has had some success in combatting pests and diseases and in the extension of such crops as cotton and citrus fruit, too little attention has been devoted to practical research, and almost no field work has been carried out to assist cultivators in improving their crops and methods of cultivation. The expenditures of the Agriculture and Veterinary Departments were actually cut from ID 1,160,000 in 1948-49 to ID 540,000 in 1950-51 and, at the latter figure, represented only 1.8 percent of the total budget outlay. Expenditures on both agriculture and irrigation 1950-51 amounted to only 6.7 percent of the total.

Plans for the future now envisage large water storage and irrigation projects to provide more water for land already in use and to increase the area under cultivation and provide for the settlement of new land. These plans are in general quite sound. They will be largely ineffective, however, unless at the same time more stress is placed on arresting the deterioration of land already in use by extensive drainage schemes and on raising the productivity of agriculture by other means. The establishment of an efficient extension service and the provision of incentives to improve methods of cultivation are particularly important in this connection.

Expansion of Area under Cultivation: Irrigation

Extension of the area of land under cultivation is vitally important not only to an increase in production but, above all, as

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mals offers a more practical answer to their needs at this time. 241
Experience in Iraq shows that tractor plowing may increase yields by 20 to 50 percent, largely through more effective destruction of weeds and partly also through better preparation of the soil. Much the same effect could, however, be achieved through better animal-drawn plows replacing those which now, for the most part, barely scratch the surface and fail to uproot the weeds. Means for the acquisition of such tools and improved draft animals should be created through the organization of cooperatives and the provision of better credit facilities.

Mechanization will nevertheless play an increasingly important role in the future, especially as labor becomes more scarce and additional land becomes available for cultivation. Mechanization has already facilitated the expansion of cultivation in the dry-farming areas of Mosul and the new pump-irrigated lands in central Iraq. While certain areas in the irrigation zone are undoubtedly overpopulated in relation to land currently available, in other areas, particularly in the rain-fed zone, labor is scarce relative to the supply of land. As development schemes are launched and new land is opened up for settlement, the available manpower on lands already under cultivation may well be reduced. The government will need therefore to take steps to insure that mechanization will keep pace with developing requirements. In the period immediately ahead, however, the government should be mindful of the possibility that mechanization initiated by landowners may result in a substantial reduction of the portion of the crop going to sharecroppers or in the displacement of sharecroppers before alternative means of employment or settlement become available. Through its control over the importation and distribution of machinery and the extension of credit for the purchase of such machinery, the government will have the power to influence the direction of mechanization and thus minimize to some extent possibly adverse social consequences.

At present only a small portion of Iraqi agriculture is mechanized. Combines and tractors in operation are reported to number 320 and 750 respectively, with about half of the number concentrated in the provinces of Mosul and Baghdad. Of these, 75 combines and 81 tractors are owned by the Agricultural Machinery 407 475 427 647

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Administration, an autonomous agency within the Ministry of Economics. The AMA rents this machinery to farmers and, in addition, is responsible for testing and demonstrating new machinery, licensing of imports and controlling the distribution of the limited supply of spare parts in order to prevent black-marketing.

Some provision for rental of machinery, whether by the government or by private enterprise, will be necessary for some time, partly because it enables farmers to become acquainted with the value of such machinery and partly because many farmers do not have sufficient capital for outright purchase. As long as private enterprise is incapable of providing this service at reasonable rentals or until cooperatives can be established, continuation of the government rental service appears essential. On the whole, therefore, the AMA's three-year program to replace and expand its machinery park and to equip repair shops appears desirable despite the obvious drawbacks of government operation. At present, however, the AMA is operating at a substantial loss. In the calendar year 1951, for instance, its rental income will probably not exceed ID 50,000 compared with estimated operating costs, including depreciation, of about ID 150,000. Since the beginning of 1950, when it started operations as a fiscally autonomous agency, it has had to cover its deficits out of the ID 500,000 capital which the government undertook to provide. While the government should probably defray that part of the AMA's expenditures not directly attributable to the rental operations, the overall deficit should be reduced by gradually increasing rental charges. Rental charges on tractors, in particular, appear unduly low and may be depriving private persons of the incentive to purchase tractors either for their own use or for rental to others.

Since the overhead costs of the AMA's rental operations will probably always remain rather high and its machinery must be transported over considerable distances, it is important that the government encourage as much as possible private purchase and operation of machinery. The extension of credit for this purpose appears essential. At present, however, the Agricultural Bank cannot lend money on farm equipment partly because it is short of funds and partly because such loans would not afford sufficient security in the absence of any legal requirement to register title TO MACHINERY.

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research. The Mission recommends that in the future such farms should be used primarily as experimental stations. Seed for distribution to farmers could be produced on land surplus to the needs of the experimental stations or on a contract basis under appropriate government supervision on private farms. The Mission suggests that immediate steps be taken to secure a research director to coordinate all existing research and to recruit a gradually expanding staff of full-time research experts consisting partly of foreigners and partly of Iraqis.

These measures will bring about an improvement in agriculture only very gradually. In the short run they will need to be supplemented by positive financial incentives. Most farmers will probably prove unwilling or unable to invest money or time in the cultivation of fodder crops or the use of fertilizers unless they are convinced through practical experience that such an investment is really worthwhile. In order to induce farmers to experiment themselves, the government may wish to consider providing free seed for fodder crops and defraying part of the cost of fertilizer, or, alternatively, making a flat money payment per donum to those undertaking to use fertilizers or grow feed. Such incentives should, of course, be offered only as long as is necessary to demonstrate the value of improved methods. The provision of credit for the acquisition of machinery, fertilizers and other means of production will also be helpful in this respect.

It has already been pointed out that the existing sharecropping system, coupled with the shifting nature of cultivation, militates against the introduction of soil-building and forage crops. Under present conditions the landlord will find it difficult to compel the fellah to grow such crops unless the fellah is actually paid for doing so. The Mission therefore suggests that the difficulties inherent in the sharecropping system, as well as the advisability of changes in this system, be studied by an expert on land tenure.

Tobacco and the Tobacco Monopoly

The Mission has paid special attention to tobacco, not only because cultivation of this crop is of considerable importance to the Kurdish farmers of the North, but also because tobacco leaf is

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that the land was cultivated and a crop produced in any one year, and the land settlement officers, who have sometimes been inexperienced and subject to influence, have on occasion accepted even more tenuous evidence as proof of a prescriptive claim. In this way a large portion of state land has been alienated to sheikhs and other influential persons, and the number of large landowners has multiplied.

Distribution of Land

Complete data on the distribution of landholdings are not available. For the area covered by the cadastral survey, it is possible to classify private landholdings into various categories according to size. Such a classification, given in the accompanying table, shows that holdings of 1000 donums or less account for only 15.7 percent of the area. This is indicative of the small number of peasant proprietors. On the other hand, holdings of over 1,000 donums accounted for 67.1 percent of the total of privately owned land, while those of more than 10,000 donums comprised 24.3 percent of the area. Moreover, the importance of large holdings is undoubtedly underestimated by these figures. The cadastral survey has proceeded by areas known as *muqata'as*. In a number of cases landowners have holdings in several *muqata'as*, but these have been registered as separate holdings. Thus, according to the cadastral survey, there is only one holding in Kut in excess of 100,000 donums (namely 174,251 donums), although it is generally reported that there are actually several holdings well over 300,000 donums.

The accompanying table indicates that the highest proportion of small holdings is apparently in Basra, Dulaim, Kirkuk and Suleimaniya. The provinces of Kut, Amara, Mosul, Diyala and Kerbela have the highest percentage of large holdings.

The Sharecropping System

Although the amount of land cultivated directly by the landowner has increased since the last war with the use of modern machinery, particularly in Mosul and Baghdad provinces, the great bulk of the land is tilled for the landholder by peasants or fellahin against a share in the crop. The sharecropper is not a tenant in the sense that this word is generally used in the western world. He has no discretion in the use of the land and does not lease a

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specified piece of land for a definite period from the landholder against a fixed rental. The landholder or his agent *(sirkal)* assigns to the sharecropper each year the land to be cropped, determines the type and quantity of seed to be sown and prescribes the time and methods of plowing, watering, harvesting, etc. He generally makes an initial advance to the cultivator and often provides the fellah with seeds, draft animals and other means of production. Under the Law Governing the Rights and Duties of Cultivators enacted in 1933, the landholder has the power to keep the fellah on the land as long as the latter is indebted to him. Thus the fellah is in reality a laborer who works with his family not for a fixed wage, but for a share of the crop.

The portion of the crop retained by the fellah varies rather widely. In the northern rain-fed zone it is higher than in the southern irrigation zone. In flow-irrigated areas it is half or two fifths but drops to about one third when the landholder provides the seed. Although, under the law, the landholder is not allowed to charge interest on his advances to cultivators, his share of the crop when he provides the seed increases out of proportion to the cost of the seed he furnishes. When the land is pump-irrigated, the fellah's share is generally only two sevenths or three sevenths of the crop. In date and fruit groves where the landowner must make a heavy investment and the value of the output is high, the fellah may only get a fifth to an eighth of the crop. In the rain-fed zone the fellah usually retains 90 percent of the winter crop and even more if the land is relatively remote from the town or city. His share of summer crops which can only be grown with water furnished by the landowner may range from two thirds to one half provided he supplies his own seeds and implements. In general the fellah's share is larger in the North because manpower is less plentiful in relation to available land, yields tend to be lower owing to uncertain rainfall and the fellah frequently has long-established rights to the cultivation of his land.

The amount of land cultivated by each fellah and his family varies widely. In the irrigation zone the fellah may on the average plant about 20 donums of winter crops, and, owing to the shortage of water, perhaps 15 percent of this area in summer crops. In rice areas, he generally has only about four to five donums on the

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427 241 average; and in date and fruit groves his allotment is likely to be equally small. In each of these cases, however, the output per donum is considerably more valuable. In the rain-fed plains of the North where land is more plentiful and yields more uncertain, he may on the average plant as much as 40 donums in winter crops. In most areas the fellah and his family can probably get as large a winter crop area as they can till, but their capacity is limited by lack of draft animals, primitive agricultural techniques and the debilitating effects of disease and a hot climate. In some areas of the irrigation zone, however, particularly in parts of Hilla, Kerbela and Diwaniya, the fellah appears to get less land than he can till owing to the limited availability of good, irrigated land. The same applies to some rice-growing areas, particularly in Amara.

Lack of sufficient draft animals and implements, low yields and the necessity of turning over a share of the crop to the landlord or pump owner all combine to depress the economic status of the sharecropper. His position can only be improved by enabling him to raise his output or by increasing his bargaining power through the creation of alternative opportunities for employment and the opening up of new lands to settlement.

Minerals: Oil

135 315 Iraq possesses considerable mineral resources. Of these by far the most important is petroleum. There are at present two major oil fields—one near Kirkuk in the North, the other near Basra in the South. The Kirkuk field is generally reputed to have reserves of over 1,000 million tons, while that near Basra, which is less well explored, seems to be almost equally promising. There are also minor oil fields at Ain Zaleh in Mosul province and near Khanaqin on the Iranian border.

135 Although surface indications of the existence of copper, iron, chromite and other ores have been found in the mountainous belt adjoining Turkey and Iran, the existence of deposits of sufficient size to warrant commercial exploitation must first be confirmed by core drilling.

7: International Bank N, S-4 (1951) 1952 MH1 Iraq MH1

651 have yielded only about ID 2,400,000 annually in recent years because income from agriculture and urban property is exempt and rather sweeping exemptions or reductions have also been accorded to Iraqi-owned industrial enterprises. The three principal oil companies have also not been required to pay income taxes in return for annual payments in commutation of all taxes. Income and surtaxes thus bear primarily on salaried employees and individuals and companies engaged in commerce. In 1948-49 all Iraqi companies paid only ID 259,000 in income and surtaxes as compared with ID 488,000 paid by foreign companies.

Both land devoted to agriculture and income from agriculture largely escape taxation. A land tax, assessed in accordance with a very complicated set of criteria, was levied until 1931 when it was replaced by a 10 percent tax called *istihlak* on agricultural
651 produce brought to designated centers, presumably for sale. At the
427 same time, the government enacted a Law for the Collection of Land Rent which, after its revision in 1936, came to be called erroneously a land tax. Actually it was a compound of a rent charge on all lands except those alienated in *tapu* to which the state had retained the ultimate title, and a tax on water whether supplied by flow or by pump. The "rent" element was supposed to equal about five percent of the value of the crop and the "water" charge between two and 10 percent, depending on whether the land was irrigated by pump or by flow, and, if by flow, whether or not the flow was regular and assured. The total charges were assessed by various criteria. For government lands, which were regularly leased, they were set either by auction or by triennial assessment of the type and amount of crops grown on the land. This levy, which itself was circumscribed by a number of exemptions, was abolished in 1939, except for *miri* lands leased regularly by the government, in return for certain payments over a maximum period of 10 years. In view of the subsequent inflation these
651 proved to be rather light. Thus virtually the only remaining agricultural tax is the *istihlak*. During recent years this tax has varied from 10 to 12½ percent of the value of produce brought to market as fixed on the basis of market prices. The *istihlak*, however, is paid by the buyer rather than the seller, although the producer may actually bear it insofar as prices are set in the export market

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241 aration of the soil. Similarly, small stationary threshers may offer a better alternative than large harvesting combines to the present methods of threshing by flaying and the tramping of animals. The government should pay at least as much attention to the task of getting simple, inexpensive tools into the hands of the cultivators as to the much more ambitious program of agricultural mechanization. [412] Good hand tools, for example, are almost nonexistent. Improvement in draft animals is also necessary. While the supply of draft animals cannot be increased rapidly, it is possible to get animals of greater strength and endurance by better feeding and selection.

In the longer run, however, there is no doubt that mechanization of agriculture will assume growing importance. Physically, the country with its flat broad plains is ideally suited to mechanization although the canals and ditches in the irrigation zone offer some impediments to the use of machinery. [464] Moreover, even now there are labor shortages at sowing and harvest times in some parts of the country, particularly in the North. In the future such shortages may become really acute as manpower is drawn from the land to take advantage of the new employment opportunities created by the over-all development program and as some of the fellahin working on land now under cultivation leave to settle new land. Under such circumstances mechanization may become the principal means of maintaining and expanding agricultural output. In its policy respecting mechanization the government will need to steer a careful course. On the one hand, it will want to keep some check on mechanization as long and wherever there is danger of displacing fellahin before alternative means of employment become available; on the other hand, it will find it desirable to accelerate mechanization whenever labor shortages become serious. Through its control over imports and credit, the government possesses effective methods of influencing the rate of mechanization.

241 407 427 The United States Lend-Lease Program gave mechanization its first impetus. At present there are probably about 170 combines and 550 tractors in operation in the country, with about half of the number concentrated in the provinces of Mosul and Baghdad. In addition, 75 combines and 81 tractors are owned and made

7: International Bank N, S-4 (1951) 1952 MH1 Iraq MH1

available for rental by the Agricultural Machinery Administration, an autonomous agency within the Ministry of Economics.[7]

Further progress will be seriously impeded, however, unless means are found to prolong the life of machinery which is now less than half what it is in the United States. The shortage of spare parts and repair facilities has been very discouraging to machinery owners. The failure of private dealers to provide these largely inspired the government's original decision to establish the Agricultural Machinery Administration as a monopoly for the importation and distribution of agricultural machinery. In accordance with suggestions made by an earlier International Bank Mission, the government has tried to meet the problem by different measures, namely by licensing dealers only on condition they agree to set up repair facilities and maintain an adequate stock of spare parts. The enforcement of these requirements, however, will not provide a complete solution, even if it is supplemented by completion of the AMA program for setting up its own repair facilities at Baghdad, Kirkuk, Mosul, Diwaniya and Kut. The AMA and private dealers should also cooperate in conducting courses in operation and elementary maintenance of machines for drivers. Moreover, simple local facilities to carry out all but major repairs are needed. An adequate number of mechanics both for the central and local repair shops must be trained, and for this purpose foreign shop supervisors and instructors will be necessary. The Industrial Bank may have to cooperate by providing small loans for equipping local shops.

The AMA now performs a number of useful functions. It regulates imports and the distribution of spare parts and tests different types of machinery for their adaptability to conditions in Iraq. Most important, it maintains a pool of machinery for rental. In some respects its operations could undoubtedly be improved.

[7] An official estimate given to the Mission gives a total of 320 combines and 750 tractors. Customs statistics for the years 1945 to 1950 inclusive, however, show that only 632 tractors and 262 combines were imported. Part of these are already out of commission. An on-the-spot survey in each province by a member of the Mission indicated that only 170 combines and 549 tractors, exclusive of government-owned machines, were in operation. Of the combines, Mosul had 75; Baghdad, 75; seven provinces, one to five each; and five provinces, none. Of the tractors, Baghdad had 250; Mosul, 150; Kut, 40; Kirkuk, 23; Erbil, 15; six provinces, less than 10 each; and three provinces, none.

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With a larger and more qualified staff it could do a better job in advising farmers on the type of machinery best suited to their needs and could undertake the tasks outlined in the preceding paragraph. It might also pay more attention to finding and testing the type of machinery that would be particularly useful on smaller holdings. Above all, in its rental service it should charge rates which will not cause it to run a large deficit or discourage private ownership of machinery.

The rental service itself performs a useful function and should be continued until private enterprise can provide the same service on the basis of a reasonable return or until sufficient cooperatives can be organized to provide machinery for their members. Many landowners cannot now afford to buy a machine, and others will not risk buying until they have had a chance to test its value by renting one. The AMA, however, now sustains heavy losses on its rental operation. For the calendar year 1951 its operating expenditures are expected to be ID 150,463 as compared with a projected rental income of only ID 50,000. For the two years 1950 and 1951, the total cash deficit of the Administration will probably amount to about ID 222,000.[8] It has been able to finance such deficits only by using up the balance of the capital contribution of ID 500,000 which the government originally made to the agency. Since ID 235,750 of this contribution consisted of machinery and buildings, very little of the remaining cash will have been left by the end of 1951. The AMA's financial situation is all the more acute because it now urgently needs funds to purchase new machinery and equipment at a rate of perhaps ID 250,000 per year. In the past there has been no depreciation reserve for the replacement of machinery. To meet this financial emergency it will be necessary to make the rental operation self-sustaining. In part this can be accomplished by reducing expenditures. Probably more important, however, will be an increase in rentals, especially those on tractors which are now relatively low. A continuing government contribution to the total budget of the AMA will probably be merited, but only to the approximate extent to which AMA expenditures are attributable to functions other than the rental of

[8] For the 1950 and 1951 budgets of the AMA, see Tables I and II in the appendix.

7: International Bank N, S-4 (1951) 1952 MH1 Iraq MH1

machinery. At the same time the cost of new machinery and equipment will need to be financed—possibly out of Development Board funds if earlier plans to borrow for this purpose from the International Bank do not materialize.

Government rental of machinery should at best be considered a temporary expedient. It is wasteful, primarily because overhead expenses are high. The transportation of machinery from central shops to the renters tends to be expensive and to expose the machinery to excessive wear and tear. Private and cooperative ownership of machinery should therefore be encouraged. One step in this direction would be to enable the Agricultural Bank to lend money for this purpose on the security of the machinery. In the past the absence of any provision for registering title to such machinery has prevented such loans. Another important measure would be to encourage the establishment of cooperatives for the collective ownership of machinery, especially in the new agricultural areas which are to be opened. At present the producers' cooperative in the Dujaila project owns a number of tractors. Because overhead costs are relatively low it is able to rent them out at lower rate than the AMA while still apparently covering the cost of operation and depreciation.

V. Control of Pests and Diseases

Livestock Pests and Mortality

More effective control of pests and diseases would also materially help to improve yields. This is particularly true of livestock. Because of lack of funds, equipment and trained personnel, no systematic campaigns for eradicating specific groups of diseases have been undertaken. Many livestock diseases, particularly of the parasitic type, are rife. Among the principal livestock diseases are foot and mouth disease; haemorrhagic septicaemia; anthrax; sheep pox; blackleg; parasitic gastritis; tick-borne diseases (anaplasmosis and piroplasmosis); fowl cholera; Newcastle disease; various manges; and dourine. The available staff is wholly insufficient to control, let alone eradicate, any epidemic which might break out. A serious outbreak of disease would endanger the livestock industry of neighboring countries as well as that of Iraq.

7: International Bank N. S-4 (1951) 1952 MH1 Iraq MH1

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VIII. Use of Incentives

Through practical and realistic experimentation and demonstration much progress can undoubtedly be made in persuading farmers and livestock keepers of the value of more modern methods. Throughout the world, however, the farmer and shepherd tend to be conservative. Even though he sees other methods yield good results on experimental farms or even on his neighbor's land, he may still be reluctant to try them himself, particularly if it involves him in higher initial costs. The government cannot, after all, prescribe what he should do, except perhaps on land which it allots for settlement. If it cannot persuade him, the government may find it necessary to give him some financial incentive to induce him to experiment with new crops or fertilizer. Thus it might make seeds or stock of new and improved varieties available free of charge or at nominal prices or subsidize the cultivation of forage or soil-building crops or the use of fertilizer. The use of such incentives to bring about the adoption of new crops or better methods of cultivation has on occasion proved effective in other countries. Experience also indicates, however, that great care must be taken to prevent them from becoming permanent.

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The problem of incentives is particularly acute because the prevailing sharecropping system appears to offer a special obstacle to the introduction of forage and soil-building crops. Although the landlord can in theory direct his fellah to grow any crop, the fellah will in practice resist the cultivation of any crop which involves curtailing other crops he can consume himself or sell for cash. Generally able to eke out only a bare subsistence, the fellah is not likely to have any interest in growing fodder for which there is no cash market, especially when he has little or no livestock of his own. Similarly he is likely to oppose cultivation of a leguminous crop for green manure, especially since he himself may not get back the same parcel for farming the following year. He might ultimately be persuaded of the advantages of a given four-year crop rotation, but only if he were assured tenure of the same land over a sufficiently long period. The ways and means of overcoming these difficulties inherent in the existing tenancy system should be

7: International Bank N, S-4 (1951) 1952 MH1 Iraq MH1

carefully studied by the government. In this study the possibility of offering financial incentives directly to the fellah and of making certain changes in the conditions of tenancy would need to be explored.

IX. Agricultural Credit

If farmers are to purchase fertilizer, more livestock and better draft animals, tools and machinery, they will need access to credit facilities. The Agricultural Bank with a nominal capital of ID 1,000,000 does not at present adequately serve their needs. First of all, its resources have been insufficient. As of March 31, 1950, the latest date for which a balance sheet was made available to the Mission, the capital actually paid in amounted to only ID 500,000. Its lending resources were supplemented to some extent by time deposits totalling ID 136,996. Total loans outstanding aggregated only ID 556,609. Since that date a further capital contribution of ID 50,000 has been made to the Bank, its time deposits have increased somewhat and a loan of ID 150,000, repayable in three annual installments, was obtained from the National Bank in April 1951. A shortage of liquid resources compelled the Bank virtually to suspend lending in November 1949. Not until a year later was it possible to resume credit operations and then only on a modest scale. The Bank has never been able to meet the demand for credit. Although authorized to lend up to ID 3,000 to any individual for a maximum term of 10 years, in practice it has limited the size of its loans to ID 1,000 and the duration to five years.

It would be desirable to increase the capital of the Bank substantially—to a total of perhaps ID 2,000,000. The Development Board would seem to be the logical and probably the only available source of funds for this purpose. The Bank would then be able to repay its debt to the National Bank and still extend its loan operations substantially. At the same time, however, there should be a careful review of the Bank's lending policies to make sure they are sound. In the past there has been a tendency for its loans to become frozen. In the fiscal year 1949-50, for example, only ID 108,333 of the total amount of ID 279,975 in loans falling due was actually received. Maturities were postponed on loans totalling

3:Royal Institute of International Affairs U-4 (no date)1954 M1 Middle East
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Tigris, completed in 1939; both of these control the flow of water and serve extensive irrigation schemes. In 1952 8 million acres of land were under irrigation—five times the area in 1918; in 1949–50 3,600 pumps were in use as against 143 in 1921. Two more major projects are in process of execution: the first on the Euphrates, for which the Habbaniya Flood Relief and Storage Scheme has just been completed, and a barrage across the river at Ramadi is awaiting construction; the second for the Tigris, whose waters will be drawn off into the Wadi Tharthar as a means of flood prevention. Cultivation will be increased by dams at Darband-i-Khan, Bakhma on the Diala, Dukhan on the Lesser Zab, and possibly at Bakhma on the Greater Zab, the first also serving for flood control. Schemes of lesser construction and extension are also being planned and executed for southern Iraq. In all, the Development Board has allocated nearly 53½ million dinars for projects of irrigation and flood control during the years 1951–6, of which 4 million dinars are devoted to drainage.

Land Tenure and Conditions of Cultivation

The system of land tenure and the conditions of cultivation are responsible for a further major problem in Iraqi agriculture. There is very little peasant proprietorship. Much of the land is held on various terms by Arab tribal shaikhs and Kurdish aghas (barons) or by wealthy townsmen, who divide their land in small plots among sharecroppers, to cultivate under the supervision of their agents for a return which may be as little as 30 per cent of the yield. Of the area covered by cadastral survey, 67 per cent is held in holdings of over 1,000 dunams and 24 per cent in holdings of over 10,000 dunams. Agriculture remains, on the whole, primitive and wasteful in tools and technique because of the lack of interest, on the part of the landowners, in organization and development and because of the ignorance, poverty, and lack of security or incentive—since the landlord secures the advantages of all improvements—of the cultivators. This backwardness is illustrated by the generally low yields. The disadvantages of feudal and absentee land ownership have been perpetuated by the land settlement of the last fifteen years, which, by tending to confirm the existing procedure, has made reform more difficult of fulfilment. The establishment of large farms worked directly by their owners with modern machinery is usually prevented by the almost total absence of a class of farm labourer working for cash wages. The expansion of the cultivated area, particularly in south Iraq, is hampered by the sparseness of population. Labour is specially scarce at harvest

5: Harrison D-4 (1912-1924) 1924 M1 Middle East
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511 fited the Bahrein pearl diver; it has produced richer merchants in that district. In the same way the land-owners of Mesopotamia are past all comparison richer than the land-owners of the oases in Arabia but the actual cultivators of the soil are far worse off. Improved conditions and an increased return on each man's work have not benefited them at all.

423 Their condition is pitiful. The gardens are owned by
427 men who live far away in distance and farther away still
511 in sympathy. The Sheikh of Kuwait owns large gardens in this district; indeed his principal wealth is reputed to be invested there. The same is true of Sheikh Khazal of Mohammerah, the Persian governor for southern Arabistan. Many of the gardens are owned by rich men who live in Basra and Baghdad. Their affairs are administered by a local agent, whose sole interest lies in driving as hard a bargain as possible with the unfortunate cultivator. If an unfavorable year comes, there is no easily available judge or ruler to modify the contract as in Arabia. As a result the gardeners are bitterly oppressed. Men are practically forced into bankruptcy in order to live up to oppressive contracts during a hard year. Competition is keen, and in these large communities where the gardens stretch for scores of miles and where it is not easy to turn to other occupations, where above all there is no public sentiment to appeal to and no ruler with Arab ideas of justice to frown upon the rich oppressor, it is possible to push the gardener down very close to the limit of bare subsistence. His clothes are in tatters. His food is poor. His house is wretched. Above all he is a discouraged and hard-pressed individual with a hopeless and despairing outlook on life.

[Date gardeners -- Analyst]

5: Harrison D-4 (1912-1924) 1924 M1 [redacted]
Iraq MH1

[Marsh Arabs]

It is customary to abuse the Turkish Government as responsible for these conditions. That government has much to answer for, but it is doubtful whether even the efficient and benevolent rule of the British will improve the lot of the date gardener a great deal so long as the present system remains unchanged. The trouble is that the owner has no contact with his gardener except through his agent, and is coerced by no intelligent and effective public sentiment. Whether in Turkish or British territory, he lives under a government built on the theory that contracts made in good faith must be executed at all costs and that knows no redress for the gardener except that he seek employment elsewhere, a thing that is very difficult to do. The adjustments possible in the oases of Arabia, where it is the function of the sheikh to modify oppressive contracts and where it is understood that an unfavorable reputation will speedily endanger the life of the land-owner, are out of the question in Mesopotamia.

In addition to the date gardeners who cultivate the irrigated land along the last hundred miles of the Arab River from Gurna to the Gulf, there are also a number of so-called Marsh Arabs along the rivers in Lower Mesopotamia, who raise rice, wheat and barley on land that is overflowed in the spring when water is high. Rice is their favorite crop and the one that is most reliable. In that country the visitor is surprised at being served with loaves of bread of the usual flat pancake-shape but snowy white instead of the light brown color of the whole wheat flour which is universal over all Arabia. I asked my host with much surprise whether he imported his flour from Bombay and he laughed. He hardly knew where

5: Harrison D-4 (1912-1924) 1924 M1 Middle East
Iraq MH1

[Marsh Arabs]

501 erable skill to navigate. They are capable of great speed and are driven either by a sail or by oars as the occasion requires. To a stranger they seem very unstable, but the Marsh Arab, who has practically lived in them ever since he was a baby, finds them abundantly stable and perfectly safe.

342 From a distance the houses occupied by these people are very picturesque. The reeds that grow in great abundance in the marshes of Lower Mesopotamia are gathered and when dry are tied in great bundles perhaps two feet in diameter. They are ten to fifteen feet tall or even more, and two bundles tied together at the tops are bent over to form an arch. Each of these arches forms one of the ribs of the house. They are placed every four to six feet, giving an air of solidity and dignity to the structure that is most unusual for this sort of simple architecture. Over these ribs a mat roof is constructed which is surprisingly tight even in the heaviest rains. The houses vary in size, and the largest ones, which serve as guest halls for the sheikhs and the rich, may be seventy-five feet long and twenty feet broad.

423 621 This agricultural district is peculiar in that while it has a settled community engaged in agricultural pursuits, there is no private ownership of land. The Marsh Arabs form a group almost untouched by Europeans. In the one district we visited all land is owned by the government, in this case a sheikh far removed from the district.

427 651 425 The only tax that he levies is a moderate rental for the land. Apparently there is little difficulty in getting land; at least no one complained of any trouble of that sort, nor does there seem to be any difficulty in keeping the same plot of land indefinitely if the cultivator wishes to do so.

000 The local governor is an efficient and more or less benevo-

15: Tannous N,G-5 (no date) 1951 M1 Middle East M1
Iraq MH1

Unlike Egypt, Iraq is a sparsely populated country relative to its land resource. Yet we find there the same conditions of landlessness, and low levels of living among the peasant folk. More serious still, we find in that country a great agricultural potential which is threatened by the prevailing destructive system of land tenure.

This fertile land of the ancient Tigris and Euphrates rivers has a total potentially cultivable area (mostly by means of expanded irrigation) of some 25 million acres. The present area that is under cultivation each year, however, is less than 6 million acres. There is no doubt that capital and technical aid from the West will make it possible for Iraq to realize this tremendous potential. The serious question, however, is whether development will be attempted on the present shaky foundations of feudalism, absentee ownership, and sharecropping, or on the sounder and more stable foundations of a thriving rural community that is emancipated through its ownership or control of the land. The answer, one way or the other, will be of grave consequence to the future of Iraq.

The following is a brief summary of the situation as it now exists. Less than 0.5 percent of the land is owned privately in fee simple. About 36 percent is state domain which has been leased out more or less permanently to individuals. Over 58 percent is held directly and fully by the state, and is leased out on a yearly basis. These figures indicate clearly that the fate of the land resource has not yet been fully decided as in the case of Egypt. The major portion of it is still in the hands of the state, which could dispose of it either in favor of the landless cultivator and tribesmen, or in favor of the absentee owner and the tribal chief.

The land that is now under cultivation (whether privately owned or leased from the state) is predominantly in the hands or under the control of the semi-feudal tribal chief and the large owner from the city. In either case, absenteeism prevails. The peasants, consisting of village folk and semi-settled tribal people, are in the majority of cases landless sharecroppers. They raise crops and receive a share ranging from 20 to 50 percent of the produce, depending upon whether they supply the seed, the

15: Tannous N, G-5 (no date) 1951 MI Middle East MI
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equipment, and the livestock. In reality the cultivator's share amounts to less than that, for he has to make certain contributions to local functionaries and to the agent of the landlord.

There is also clear evidence that unless the system is checked effectively at its roots, it will continue to perpetuate itself. Witness what has happened during the last 50 years or so. Irrigation has been expanded materially, mainly through pump installations, and total agricultural output has been increased tremendously; but the peasant has remained landless and impoverished. In general, he does not possess the ability or initiative to prove his legal claim to the newly developed land. In many cases, even when his right of ownership is recognized, the cultivator is not able financially to maintain the costly pump installation. He is obliged to work on a share basis with one who is able to supply the necessary capital and equipment, be he the chief or the merchant. Gradually, these become the owners of the land, and the original occupant becomes permanently a landless sharecropper. Through this process the virile and integrated tribal community of Iraq is being transformed into a demoralized agricultural settlement, under the control of an absentee landowner chief.

Syria affords another illustration of the magnitude of the problem. We witness here practically identical conditions of absentee ownership, sharecropping, and low levels of living among the peasants. The manner in which this system threatens the future of agricultural development in Syria is clearly indicated by recent happenings in the Jezira area. This has tremendous possibilities for irrigation and for dry farming. It is sparsely populated, and until recently has been utilized mainly for grazing by nomadic and semi-nomadic tribes. During the last few years cultivation has been expanded rapidly in the area. Modern machinery has been put on the land in large numbers, and bumper grain crops have been harvested.

On the surface, this appears to be the beginning of sound development. Upon closer examination, however, we encounter a different reality. The tractor has been put on that fertile soil mostly by speculators and absentee owners. Concern about the ultimate exhaustion of this great national resource is not upper-

25: Warriner S-5 no date 1948 M1 Middle East
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prosperity of the main national industry and the welfare and contentment of the people as a whole.'[1]

There are different varieties of tenure in the two zones, determined by the different conditions of agriculture. In the north, the forms of tenure are similar to those of Syria, with a class of small proprietors taking some, but not all, of the land. In the south large owners or sheikhs own virtually all of the land, letting it to share-tenants, through a series of intermediary lessees, minor sheikhs, sirkals (formerly sub-sheikhs), or town notables. At the bottom of this many-storied building the fellah cultivates the land under a burden of debt. This peculiar form has originated from the disintegration of the tribal system; the sheikhs have profited by the confusion of the law to secure individual ownership of land which by custom is the property of the tribe.

The Breakdown of the Tribal System. In the irrigation zone, the practice of shifting cultivation was accompanied until very recently by an equally unstable form of landownership. The basis of the ownership is the tribal *dirah*, a large area not limited to land actually tilled but including also non-cultivated land and submerged marsh land, over which a tribe exercises a customary right of occupation. These areas are considered to be the property of the whole tribe, and until recently were so in fact.

The tribal system existed generally until some forty years ago, and still prevails in parts of the country.[2] Under this system, the usual procedure was to set aside a part of the cultivated area, a third or even a half, to provide revenue for the sheikh to discharge his political duties, which then included the maintenance of a tribal militia, the provision of hospitals, and keeping the *mudhif* (the coffee shop and civic and social centre of the tribe). This revenue accrued to the office of the sheikh, and not to his person. The rest of the land was sometimes distributed among the families of the tribe, according to the numbers of fighters who had helped to seize the land from another tribe, or according to the amount of land reclaimed: more often, however, the land was cultivated in small groups, the tribal sub-

[1] op. cit., p. 33.

[2] For a detailed account of the historical development of Iraq's land tenure system, see Salih Haider 'Land Problems of Iraq' (London University Ph.D. thesis, 1942).

25: Warriner S-5 (no date) 1948 MI Middle East
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sections or clans, under the direction of the sirkal, the head of the clan, who organized the members of the tribe on a share-cropping basis, the peasants generally taking a half, two-fifths, or a third of the produce.

But even on these individual holdings communal ownership is manifested in several ways: for instance by the fact that sub-tribal chiefs can be shifted from their holdings by the tribal chiefs; by the right of pre-emption and veto exercised by the tribe over transfer of land from one member to another, and especially to outsiders; the fact that women are excluded from inheriting land; the moral duty of employing members of the tribe in preference to outsiders; and in certain parts of the country, reallotment of the land on the *mushaa* system.[1]

The method of farming necessitates the existence of some measure of communal cultivation and ownership. Cultivation by irrigation involves many duties which cannot be performed by one household—the clearance of canals, the building of dams across channels, and the strengthening of the river banks; all these functions require tribal organization. Hence the head of the clan, the sirkal, was originally a manager on behalf of the tribe; he employed the peasants and divided the land among them into plots to support them until the harvest, appointed the dates of sowing, harvesting, and threshing, and organized irrigation and canal clearance.

Thus, although the tribe exercises a right of occupancy over the tribal *dirah* and can prove occupation of the whole area, it cannot be proved in the same sense that the peasant has a certain plot of his own occupied for a number of years. Within the tribal *dirah*, the area cultivated by each group shifts as canals silt up and the land is impoverished by salt, and so the area cultivated by each peasant shifts also. The peasants themselves are largely mobile, both within the tribal *dirah* and outside it; cultivation is rather half-hearted and grazing remains an alternative occupation.

It must be remembered that the tribal system, when it prevailed generally, had no legal basis, and no protection from the State; the tribe was, in fact, in itself a unit of political organization, and itself performed the State's functions. Within the

[1] From an unpublished report by Dr Salih Haider, on 'The Problem of the Land in Iraq' (1944).

35: Warriner S-5 (no date) 1948 MI Middle East

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tribal organization there was no clear definition of individual rights of ownership to the collectively-owned land. It was a system which could exist as long as no one thought about it; as long, that is, as the tribe was accepted as the unit of political life, and as long as no individual claims were likely to be made. It is for this reason that it is impossible, once the tribal system has ceased to be the political unit, to settle land on a tribal basis; and yet to settle land on the basis of the supposed individual claims creates grave injustice, because in practice it means that too much land is allotted to the sheikhs and that the cultivators are reduced to the position of tenants or labourers.

Since the early years of the twentieth century the tribal system has been breaking up, and the economic development of the country in the twenty years between the wars has hastened its disintegration. When water transport came to the Persian Gulf towards the end of the nineteenth century, export markets opened for Iraq grain; the subsistence economy broke down and production for export began. Exports of grain increased from 65,000 tons in the early eighteen-nineties to 120,000 tons in 1909–13, and to 380,000 tons in 1934–9. The profitability of export has given the tribal chiefs a motive for acquiring land as their personal property.

The tendency to acquire land for the sake of money income was much strengthened, in the twenty years between the two wars, by the rapid extension of pump irrigation and the accompanying increase in the cultivated area. Pump installations have increased from 143 in 1921 to 3,000 in 1944, and provide water for some 2½ million acres of land, or over half the cultivated land in the irrigated zone. The installation of a pumping system is comparatively cheap, costing some £2,000 before the recent war, but it is far beyond the means of the peasants, so that pumps have been installed by sheikhs, or more frequently by city notables, who make contracts to supply them to peasants at extortionate rates of interest, and so gradually acquire the land in payment of debt. In many cases the sub-chiefs, or sirkals, have become pump owners.

Thus in the regions of pump irrigation the tribal system has entirely ceased to function. The land is mainly the property of the pump owners, with the cultivators taking a meagre share of the crop, varying from one-seventh to one-fourteenth or one-

25: Warriner S-5 to date 1948 MI Middle East
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twenty-first part of the total. The position of the share-tenant in Iraq is much worse than that of his counterpart in Syria.

In the districts of flood irrigation the tribal system has disintegrated, but its superstructure, the sheikhs and sirkals, remains. Most of the political functions of the tribe have now been transferred to the State, and the only economic function now performed by the tribal authorities is the control of irrigation, digging of canals, and repairing of breaches, which is done by the cultivators under the direction of the sirkal who has become a kind of farm bailiff acting for the sheikh. Under this system the sheikh and sirkal take together up to 80 per cent of the crop, leaving the cultivator some 20–30 per cent.

This exploitation is possible because the sheikhs have succeeded in establishing, mainly during the last fifteen years, their title to absolute ownership of the tribal land by means of land settlement. Because in Ottoman times the cultivators had no legal title to the land which they occupied, the landlords were able, during the period of the mandate, to use their political power to secure legal title to land which was by custom and tradition the property of the tribe. In much the same way the English landlords of the eighteenth and nineteenth centuries enclosed land as their property which was traditionally common property, and ousted small holders whose title was based only on custom. As in nineteenth century England, the process is being hastened by mechanization, which gives the big landowners an advantage as against the small cultivator, and by inflation, which gives them the impetus to invest. The big landowners of Iraq are a comparatively recent creation, and it is the economic and legal changes of the past twenty years which have established their position.

Northern Iraq. In northern Iraq there is a different type of land tenure and fewer large landowners. South of Mosul, in the fertile Tigris Valley, where pumps have been installed, there is a tribal system resembling that of the south, and the land is owned mainly by tribal sheikhs and notables. West of Mosul, on the rolling uplands with poor rainfall, the land is also held on a tribal system. In this region in recent years there has been a rapid introduction of machinery; and the sheikhs are extending their power to acquire land. In future bigger imports of machinery will probably cause them to extend their influence

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over larger areas, much as the pump owners are doing on the Lower Tigris.

But in the north-eastern rain-fed zone, Kirkuk, Erbil, and Sulaimaniya, the position of the cultivator is better. There is a settled system of cultivation and a large part of the land is held by small proprietors. In the plain lands of Kirkuk and Erbil as much as 75 per cent of the land is held by small cultivators with holdings up to 200 dunums. Here the method of cultivation is much the same as in Syria, a *daim* (i.e. dry) crop being taken every two years.

Here too the legal position is different. In this part of the country, the provisions of the Ottoman Land Code remained in force, and most of the land was registered in Turkish times. Frequently the *agha* (or *mukhtar*), who was originally the patriarchal head of the village with the duty of maintaining order, has used his position to acquire land, and registered the land of the village under his own name. This has happened particularly often in the Kurd villages, where in spite of the Land Code's explicit prohibition of granting an entire village in the name of one person, the Turkish authorities, for the sake of peace, registered whole groups of villages in the names of the notables of Mosul, Erbil, Kirkuk, and Sulaimaniya.

But even though the landlords have obtained title to land, the share paid to them is much less than in the south, and amounts to only 10–20 per cent of the product.

Thus the problem of reforming tenure is here much less acute. As in Syria, peasant indebtedness is the major problem, but in the course of the recent war the high prices of grain have enabled the majority of the peasants to wipe off the burden of debt.

In the high mountain regions, however, particularly in the Zibar district, there is acute agricultural distress; a series of bad harvests due to plant disease, insect pests, and insecurity, has caused the agricultural economy to go steeply downhill in the past few years.

Settlement of Title. During the nineteenth century, the Ottoman Government attempted to settle title to land under the Land Code, as it did in the rest of the Turkish Empire. The Code was extended to Iraq under Midhat Pasha with the object of registering occupiers of land and thereby granting them

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423 landowners, and the occupying peasants, which has from time to 579 time led to outbreaks of violence.

In the Amara liwa for instance the sheikh has fairly com- 622 plete power over his tribal sirkals and fellaheen. 'He switches his 427 secondary lessees around at the yearly leasing time, throwing 464 out any one he disapproves of, allotting the portions of land 471 either by a form of auction or by direct agreement. The power of the sheikhs varies with the prosperity of the estates. The poor estates in the liwa, for instance, the Beni Lam estates, are short of labour and the sheikh is glad to get any comer on almost any terms. In such estates, the pump-owning secondary lessees (or sirkals) become the real masters of the land they cultivate, and the sheikh becomes a rent receiver. Other poorer estates in this district are becoming the property of the big rice merchants of the towns.'[1]

244 A report from the Muntafiq liwa describes similar conditions. 656 The land is being ruined by bad farming, because year after 452 year the same land is sown with a winter corn crop, and gets no rest either through fallow or through a rotation of crops. The government regulation that land must remain fallow in alternate years is disregarded. 'Perhaps the greatest racket in this area is the undue amount of the crop taken by pump owners,' says the report. This is due to the lack of any credit system: much forward selling of the crops takes place as soon as the green appears, at ruinous prices to the cultivator, sometimes in return for a loan amounting to about a quarter of the current grain price.[2]

427 In the densely settled regions of the south, such as Muntafiq, the position of the cultivator is particularly bad. He usually receives only a 30 to 50 per cent share of the produce. A typical apportionment of the crop is:

Government	10 per cent
Principal tenant (sheikh)	7½
Sirkal	2½
Landowner (either the sheikh or a notable)	40
Fellah	40
TOTAL	100[3]

[1] ibid.

[2] From an unpublished report prepared for M.E.S.C. on 'Land tenure in Muntafiq Liwa', 1944.

[3] A. Bonné, 'Conditions and Problems in the Agriculture of Iraq', *Bulletin of Agricultural Economics and Sociology* (International Institute of Agriculture, Rome), February 1934, p. 53–E.

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427 Out of this 40 per cent the fellah must also pay a rent for the upkeep of the canals which irrigate the holding; this may amount to 20–45 per cent of his share.

426 At the beginning of the season the fellah receives in advance from the employer:

	Dinars
500 kg wheat	1.800
150 kg barley	.525
Cash in 3 instalments	3.750
	6.075
Seasonal interest 30 per cent	1.800
TOTAL	7.875

1 Dinar = £1 sterling

He is not as a rule able to repay the loans from the sale of the produce, and so gets deeper and deeper into debt to the landowner. Thus there has evolved a particular kind of debt-serfdom: a landowner who needs labour from one estate can pay an advance to a whole village or several villages, and so obtain 'the right to demand the transference of the land workers thus "freed" from their debts to his lands.'[1]

657 Changes in taxation have also benefited the big landowners. To promote the expansion of pump irrigation, land irrigated with pumps was partially exempted from taxation. The reform of taxation under the Istihlak law of 1931 has also operated mainly to the advantage of the large landowners.[2]

427 Thus the former tribesman in Iraq has been reduced to the position of a serf-tenant, who is entangled in crushing indebtedness, and so is tied to the holding which he cultivates.

423 In spite of the wise recommendations of Sir Ernest Dowson's
427 report, and the advisory efforts of British officials to improve
185 the security of the small cultivator, it cannot be said that land settlement has succeeded in removing the oppressive character of the land system. Nor has any reform been made to permit the development of State land.

423 As regards water-rights, there is the same situation as in
185 Palestine and Transjordan; attempts at legislation have been frustrated by local interests, and here the need for legislation is

[1] ibid., p. 55.
[2] See P. W. Ireland, *Iraq, A Study in Political Development* (London, Jonathan Cape, 1937), pp. 440–1.

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241 substantial surplus of barley for export. Sugar and tea are about the only agricultural commodities always imported.[39]

PRODUCTION

Agriculture in Iraq is devoted largely to the cultivation of winter crops. Because of the lack of rain in the south, summer crops can be grown only under irrigation. In the rain-fed zone of the north, summer crops can be grown on a moderate scale. In the irrigated zone of central and southern Iraq the limited water supply restricts the area devoted to summer crops to only about one-quarter of that grown to winter crops.

Barley and wheat are the only significant winter crops, while rice and, more recently, cotton are the principal summer crops. The area sown to sesame, corn, millet, and grain sorghum is comparatively insignificant. Tobacco assumes some importance in the mountainous areas of the north. Fruit and vegetables are quite important. Iraq is the world's principal producer and exporter of dates. Excellent citrus fruit is grown, particularly in the Diyala Valley in east central Iraq for domestic consumption, and other fruits and nuts are cultivated, mainly in the north.

233 Livestock raising is an adjunct to agriculture rather than an integral part of it. Sheep and goats predominate because they thrive despite poor grazing and feeding. Sheep and goats as well as camels are kept primarily by pastoral nomads.

YIELDS

241 Crop yields are generally low for a number of reasons. The water supply is frequently inadequate. Agricultural methods have on the whole remained unchanged for centuries. Little or no animal manure or fertilizer is applied to the soil, animal dung being used largely for fuel. Crop rotation is wholly inadequate and makes little or no provision for soil building crops. Salinity, attributed to poor drainage, has materially lowered the productivity of land in the irrigated zone. Owing to insufficient and poor draft animals and lack of proper equipment, the soil is often poorly prepared and weeds detract from yields. Up to half of the winter crop area is left in fallow as the means of restoring fertility, but since the land is generally allowed to grow up in weeds to afford grazing for animals, the efficacy of the fallow system is limited.

LAND TENURE

423 427 Ownership of cultivated lands is largely in the hands of sheiks and urban proprietors who entrust the actual cultivation in small parcels to sharecroppers. These sharecroppers have neither the equipment nor the knowledge to increase production and for the most part eke out a bare existence. The land assigned to the *Fellah*, or peasant, often changes from year to year so that the cultivator has virtually no incentive to improve it.

About 67 per cent of the privately-owned land is said to be in units exceeding 618 acres.

Most of the landowners are said to show little interest in improving agriculture. In the irrigated zone the *Fellah* generally gets only half of the crop, even though the state provides the irrigation works. His share is even smaller when the land is irrigated by privately-owned pumps or when the landlords supply seed, draft animals, or machinery.

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[39] "Iraq," *International Reference Service*, March, 1950.

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COTTON IN IRAQ

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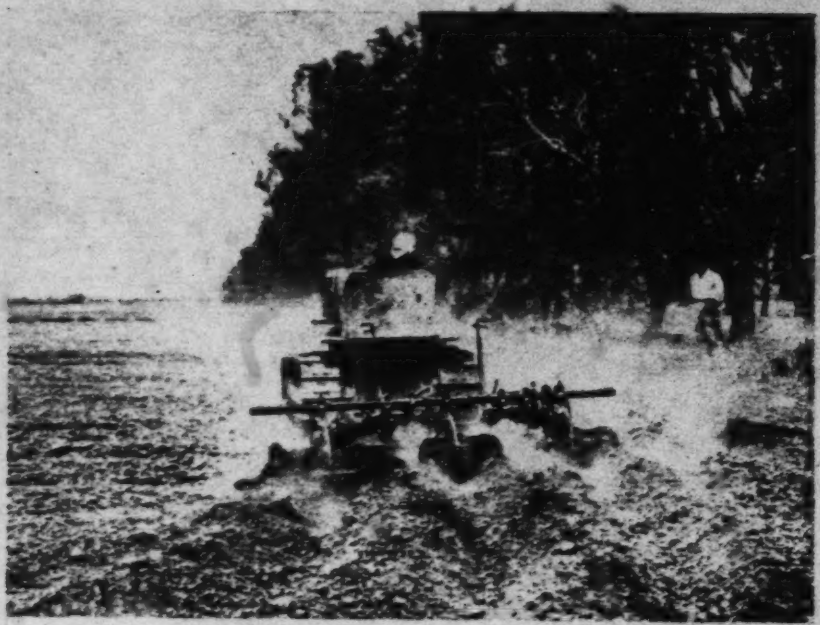

—Photo Courtesy of Technical Cooperation Administration

Modern tractors with gang ploughs are now in general use in Iraq for ploughing cotton. Because the land is so heavy, tractors are usually of the heavy-duty track type. Most of the tractors are owned by the government and rented with drivers to farmers on an hourly basis. The Iraq Government is conducting experiments with all types of mechanical equipment in the hope that new lands in the rainfed areas to the north, too sparsely populated to farm with hand labor, may be brought into production with complete mechanization.

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These plants have been found to set 75 per cent of their bolls before the end of August.

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Dr. Shelby Cain, cotton agronomist from Texas A. & M. College supplied by the Point Four Program, is concentrating on this problem in the cotton breeding program. He will be assisted by two Iraqi specialists now being trained at Texas A. & M. To some observers it appears that more work is needed on cultural practices before a full program on cotton breeding is started. For instance, the influence of planting dates, irrigation, fertilization, and cultivation on plant growths in this environment needs to be investigated before the more fundamental research in genetics and breeding can be used effectively.

Fertilization

Research on the problem of maintaining soil fertility is needed also and is included in the broad program for the future. There is an obvious deficiency of nitrogen and humus in the soil, and probably other plant foods. Much of the land in both of the main valleys has been under continuous cultivation

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163 lation, and the death rate, 25 to 35. The
165 discrepancies in reporting are probably less in the case of deaths than of births.

On the basis of the health district populations for 1950, the infant mortality rate was calculated at 98 per 1,000 live births. The death rate of infants under 1 year was 14 per cent of the total deaths, and of children under 5 years, about 23 per cent. Local observers estimate that the mortality in infants under 1 year approximates 300 to 350 per 1,000 live births among most rural and impoverished urban communities, and that it reaches almost 500 per 1,000 live births in children under 5 years of age. Intestinal diseases, undernutrition, respiratory infections and malaria are prominent among the causes of death in infancy and early childhood.

Social Economy

241 Agriculture and the petroleum industry together form the basis of Iraq's economy. Although this region was one of the chief granaries of the world centuries before the Christian Era, the present agricultural resources of the potentially fertile Tigris and Euphrates river basins are only partially developed. About 75 to 80 per cent of the inhabitants are engaged in farming or pastoral pursuits, but progress is retarded by the prevailing forms of land tenure, shortage of labor supply and inefficient methods
311 of cultivation. In 1950, less than one fifth
241 of the arable land, normally estimated at 25 to 30 million acres, was under production. Extensive areas of the alluvial plain are cultivated by means of irrigation, but improper drainage often results in consider-
427 able annual loss of soil fertility. A system
423 of tenancy farming predominates in most sections of the country. The proportion of land-owning peasants is small and largely restricted to the northern provinces. In cen-
[1447] tral and southern Iraq many families are migratory cultivators who work on a share-cropping basis for wealthy and, usually, absentee landlords.

341 Cereals, tobacco and cotton are important

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